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C O N F I D E N T I A L OTTAWA 001221

SIPDIS

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SUBJECT: CANADA: PRIME MINISTER SUGGESTS HE MIGHT MOVE  
FORWARD WITH MARIJUANA DECRIMINALIZATION LEGISLATION

Classified By: Political Minister Counselor Brian Flora. Reason 1.5D.

1. (U) During an address at a Liberal Party fund raiser in Toronto on April 29, Prime Minister Jean Chretien stated that his government plans to introduce legislation that would decriminalize the possession of "small amounts" of marijuana. Chretien stated that the proposed bill would eliminate criminal penalties for simple possession by individuals but would be accompanied by tougher criminal provisions against those who grow and traffic marijuana. According to press coverage, the bill which has not yet been submitted to Canada's Cabinet, might be passed to Parliament as early as June.

2. (C) The Prime Minister's statement followed comments made by Minister of Justice Martin Cauchon to the Ambassador earlier in the month that the long expected marijuana decriminalization law would in actuality strengthen the government's ability to inhibit the growth, processing, trafficking and use of marijuana in Canada. According to Cauchon, the new law would allow for stiffer criminal penalties for the growing and trafficking of marijuana, and enable national and local law enforcement resources to concentrate their efforts to detect, arrest and prosecute growers and smugglers/traffickers. Cauchon also stated that the new law would decongest local and provincial courts now "overcrowded" with minor possession cases. He also said that marijuana usage would be discouraged through enforced "ticketing" and fining of users.

3. (U) Though Canadian officials are holding the long referred to decriminalization legislation close to the chest, it is believed that it reflects the findings and recommendations set forth in a report of the Senate Special Committee on Illegal Drugs issued in September 2002. Though this committee's report had no legislative standing, it did state that (quote) when used in moderation, cannabis in itself poses very little danger to users and to society as a whole.... (and that) even if cannabis were to have serious harmful effects, one would have to question the relevance of using the criminal law to limit these effects. (unquote) It recommended the creation of a position of a National Advisor on Psychoactive Substances and Dependency within the Prime Minister's Privy Council and that more be done to coordinate drug control and abuse policies and programs among local, provincial and national authorities.

4. (SBU) The Prime Minister's fund raiser comments may have been premature, poorly managed, or both. On May 6, Canada's Supreme Court will begin hearing appeals made against three provincial court decisions declaring Canada's current marijuana possession law unconstitutional. According to one knowledgeable University of Ottawa law professor and political consultant who favors the decriminalization of marijuana, should Canada's Supreme Court Justices strike down Canada's current marijuana law, there would be little need for the Chretien government to introduce, what would then be more restrictive, decriminalization legislation. Instead, by just holding tight for the moment, the Government could avoid a political fight and instead concentrate on other counternarcotics issues such as strengthening penalties for growers and traffickers.

5. (C) Comment: Chretien and his government are no doubt searching for ways to manage the expected criticism that would follow the proposed decriminalization of marijuana. Post has made it clear that Washington is watching the decriminalization debate with concern and that should Canada weaken its stand against drugs -- even if that weakening is only a perception -- cross border flow of people and goods from Canada would likely come under increased scrutiny. Whether Chretien's April 29 comments were calculated or a slip of the tongue, we are using every opportunity to emphasize to our Canadian friends that any action that lessens Canada's counternarcotics efforts will be viewed with utmost concern.

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